

**Response – Remarks**

In view of the Examiner's approval, the substitute drawings for Figures 1A, 1B and 1C filed July 31, 2001 are submitted herewith.

Claims 5 and 7-11 are pending in the patent application.

The rejection of claims 5 and 7-11 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 3,792 to Moulin in view of U.S. Patent 3,077,572 to Zimmerman is respectfully traversed.

As to claim 5, 8 and 9, the Examiner maintains that, "It would have been obvious at the time the invention was made to incorporate a skirt, as taught by Zimmerman, into a sealing device as described by Moulin, in order to make a better sealing arrangement between the inside surface of the cavity and the sealing surface and to prevent loss in the sealing contact because of excessive wrinkles." See the third to the last paragraph on page 3 of the Office Action of September 9, 2003.

The Examiner's opinion is based on an observation that "Zimmerman teaches that it is known in the art to have a sleeve (20) with a formed skirt (22) before the insertion of the sleeve into the interior surface of the cavity." See the second paragraph on page 3 of the Office Action of September 9, 2003. The "formed skirt" is in fact a ferrule (22) that is part of a conductive male element A, commonly called an electric terminal to attach a resilient seal (16) to the electric terminal. The ferrule (22) has nothing to do with making a better sealing arrangement between the inside surface of the Zimmerman cavity (48) and the Zimmerman sealing surface (35) or with preventing loss in the sealing contact because of excessive wrinkles in the sealing surface (35) of the Zimmerman resilient seal (16). Hence, the ferrule (22) of the secondary '572 Zimmerman patent does not teach anything with respect to improving the sealing of the radial extending flange (158) of the Moulin seal sleeve (150), figure 5 when it is inserted into the cavity (82), figures 7a through 7d of the Moulin '416 patent.

The only thing that Moulin '416 patent teaches with respect to sealing is the resilient seal (16) having a major diameter (35) slightly rounded at (36) so that it will fit into the aperture in the block. Since the aperture is smaller than the major diameter (35) of the resilient sealing means (16) the seal will be compressed and longitudinally extruded as shown in FIGURE 6. This effects a sealed connection which firmly grasps the wire by compression and protects the connection against the intrusion of moisture. See the Zimmerman '572 patent specification, column 2, lines 42-49. This sealing arrangement is completely different from the claimed sealing arrangement and teaches away from the applicant's solution to the wrinkling problem of the Moulin flexible radial flange (150). Hence claims 5, 8 and 9 are not obvious in view of these two references. This also applies to claims 7, 10 and 11.

Moreover, the secondary Zimmerman '572 patent as used by the Examiner is non-analogous art and the claims have been improperly rejected.

Two criteria have developed for determining whether prior art is analogous: (1) whether the art is from the same field of endeavor, regardless of the problem addressed, and (2) if the reference is not within the inventor's field of endeavor, whether the reference is still pertinent to the particular problem with which the inventor is involved. *In re Clay*, 23 USPQ2d, 1058, 1060, (FedCir 1992).

As stated on page 1 of the patent application, Applicant's field of endeavor is high pressure seals used in electrical connectors, not the broad field of electrical connectors. As used by the Examiner, the field of endeavor of the Zimmerman '572 patent is not high pressure seals or even seals but the attachment of a rubber sleeve to a metal terminal in an electrical connector. But the common electrical connector environment is not enough to establish a common field of endeavor<sup>1</sup>. Thus the Zimmerman '572 patent fails the first criterion of being from the same field of endeavor. Moreover, the attachment of a rubber sleeve to a metal pin is not pertinent to the problem which applicant faced, which is the sealing loss as a result of the

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<sup>1</sup> "However, Syndansk cannot be considered to be within Clay's field of endeavor *merely because both relate to the petroleum industry*. Syndansk teaches the use of a gel in unconfined and irregular volumes within generally underground natural oil bearing formations to channel flow in a desired direction. Clay teaches the introduction of gel to the confined dead volume of a man-made storage tank." (Emphasis added). *In re Clay* at 1060.

wrinkling of a flexible, radial flange, such as the Moulin flexible radial flange (150) when it is bent into sealing engagement with a sealing surface as shown in figures 7a through 7d of the Moulin '416 patent. Hence the Zimmerman '572 patent as used by the Examiner is non-analogous art that cannot be used in an obviousness rejection under 35 USC § 103(a).


Consequently claims 5, 8 and 9 are patentable for a second reason. This also applies to dependent claims 7, 10 and 11.

Reconsideration of claims 5 and 7-11 in view of the foregoing remarks is respectfully requested.

If it is determined that any fees are due, the Commissioner is hereby authorized and respectfully requested to charge such fees to Deposit Account No. 50-0831.


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, Virginia 22313, on November 25, 2003.

  
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Respectfully submitted,

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